

26231. Adulteration and misbranding of raspberry preserves. U. S. v. 105 Cases and 48 Cases of Raspberry Preserves. Consent decree of condemnation. Product released under bond to be reconditioned and relabeled. (F. & D. nos. 37646, 37763. Sample nos. 52723-B, 71377-B.)

These cases involved preserves that contained less fruit and more sugar than standard preserves, and that contained added acid and pectin.

On May 2, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended May 26, 1936) praying seizure and condemnation of 153 cases of pure raspberry preserves at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about July 17 and September 5, 1935, by Wheeler-Barnes Co., from Minneapolis, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Briardale Brand * * * Pure Raspberry Preserves, Grocers Wholesale Co., Distributors, Des Moines, Iowa."

The article was alleged to be adulterated in that sugar, acid, and pectin had been mixed and packed with the article so as to reduce or lower its quality, and had been mixed with the article in a manner whereby inferiority had been concealed; and in that a mixture of fruit, sugar, acid, and pectin, containing less fruit and more sugar than preserves should contain, had been substituted for preserves.

The article was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article; and in that the statement on the label "Pure Raspberry Preserves" was false and misleading and deceived and misled the purchaser when applied to a product resembling a preserve but which contained less fruit than a preserve should contain, the deficiency in fruit having been concealed by the addition of acid, pectin, and excess sugar.

On June 17, 1936, the Wheeler-Barnes Co., having appeared as claimant and having consented to the entry of a decree, a judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reconditioned and relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26232. Adulteration of canned salmon. U. S. v. 88 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37653. Sample nos. 66851-B, 66877-B, 66890-B.)

This case involved an interstate shipment of salmon examination of which showed the presence of decomposed salmon.

On April 23, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 20, 1935, by the Surf Canneries, Inc., from Kukak Bay, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 11, 1936, the Surf Canneries, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reconditioned.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26233. Adulteration of canned salmon. U. S. v. 611 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 37658. Sample nos. 66846-B, 66876-B, 66889-B.)

This case involved an interstate shipment of canned salmon examination of which showed the presence of decomposed salmon.

On April 23, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 611 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 10, 1935, by the Klawock Packing Co., from Klawock, Alaska, and that it was adulterated in violation of the Food and Drugs Act.